

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHNNY BRISCOE )  
vs. Plaintiff ) No. 4:08-cv-1717 CEJ  
COUNTY OF ST. LOUIS, MISSOURI, )  
MISSOURI, et al. )  
Defendants )

**MOTION TO ALTER OR AMEND  
ORDER OF SEPTEMBER 28, 2010**

Plaintiff Johnny Briscoe moves the Court pursuant to Fed. R. Civ. P. 59(e) to alter or amend its order of September 28, 2010, declaring Mr. Briscoe's motion for sanctions against the defendants moot. Mr. Briscoe contends that the order was not rendered moot by the entry of judgment in favor of the defendants on the merits of his claims. He requests that the Court set aside its order of September 28, 2010, conduct a hearing on his motion for sanctions, and enter a new order imposing sanctions on the several defendants.

The following is stated in support of this motion:

1. Mr. Briscoe filed a motion seeking sanctions on account of specific "willful and purposeful" violations of discovery rules, local court rules, and case-specific orders by the defendants. (Doc. 120 at 1-3.) The motion sought relief under Fed. R. Civ. P. 16(f) and 37, as well as pursuant to the Court's inherent authority to impose sanction on account of egregious misconduct. *Id.*

2. On the day after it granted summary judgment to the remaining defendants, the Court ruled that the motion for sanctions had become moot. (Doc. 150.)

3. The purpose of sanctions is to punish a party for violating court rules or for other misconduct in connection with court proceedings.

4. The adjudication of the principal matters at issue in the case on their merits and in favor of the defendants did not alter or ameliorate the prior misconduct of the defendants.

5. By declining to consider and address the allegations of misconduct, the Court would deprive the courts and the public of their shared interest in orderly judicial proceedings and compliance with court rules and orders, and deprive Mr. Briscoe of his interest in fair and orderly judicial proceedings and in the avoidance of gratuitous legal expense caused by the misconduct of adverse litigants.

BURTON NEWMAN, P.C.

/s/ Burton Newman

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2010, the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Burton Newman